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Letter dated 13 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Lebanon, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

01-69680 (E) 181201 181201

Annex

Note verbale dated 13 December 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Arabic]

The Permanent Mission of Lebanon to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) of 28 September 2001 concerning counter-terrorism (Counter-Terrorism Committee) and has the honour to submit to it herein the report requested in paragraph 6 of the same resolution, in accordance with the Committee's note of 29 [i.e. 26] October 2001 (SCA/20/01(6)).

In submitting this report to the Committee, the Mission is anxious to affirm at the outset the principles and premises set forth hereunder.

1. Lebanon reaffirms its condemnation of terrorism in all its forms and its fixed commitment to international legitimacy and to the implementation of the terms of Security Council resolution 1373 (2001). It further reaffirms its readiness to cooperate with the United Nations in the suppression of international terrorism in accordance with the norms of international law and the established principles of national sovereignty, first and foremost the distinction between terrorism and resistance to foreign occupation, and its commitment to strive constantly to promote the principles of right and justice.

2. In the preparation of the present report Lebanon has based itself on the distinction, as made in United Nations General Assembly resolution 46/51 of 19 January 1991 and in the 1998 Arab Convention for the Suppression of Terrorism, between terrorism on the one hand and the legitimate right of peoples to resist foreign occupation on the other, as well as on the international conventions relating to terrorism to which Lebanon has acceded and on the provisions of Security Council resolution 1333 (2000) of 19 December 2000.

On the basis of the foregoing and in accordance with the concepts mentioned, Lebanon addresses to the Committee its answers to [the questions corresponding to the relevant] operative paragraphs [of resolution 1373 (2001)].

Question 1 (a): What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to [the] questions on 1 (b) to (d)?

Such measures are included among the general measures adopted to combat money-laundering, as can be seen in Law No. 318 of 20 April 2001 and in decision of the Governor of the Bank of Lebanon No. 7818 of 18 May 2001, whether they relate to banks and financial institutions, to the requirement to monitor certain transactions or to the elaboration of means to combat money-laundering activities, including activities for the financing of terrorism.

Under Law No. 318, a special board of inquiry was formed with the task of conducting inquiries into transactions suspected of constituting money-laundering

offences, including those involving the illegal proceeds of crimes, such as racketeering, that are internationally regarded as constituting organized crime, and the terrorist crimes stipulated in articles 314 to 316 of the Lebanese Penal Code.

On the basis of this law, the special board of inquiry has sought information from banks concerning any accounts held with them that belong to persons and entities included in the lists issued by the Security Council with a view to freezing or confiscating them. No accounts belonging to persons or entities included in the lists have been found.

Question 1 (b): What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Penalties for terrorist offences are provided by articles 314 to 316 of the Lebanese Penal Code. Articles 217 to 222 of the Code penalize anyone who incites, participates in or is an accessory to the commission of crimes, including terrorism. Lebanese jurisprudence regards the person who finances a crime as an accessory to it, and the penalty for the accessory is the same as for the perpetrator when it is evident that without his assistance the crime would not have been committed.

This rule is applied whether an act of terrorism is financed within or by way of Lebanese territory (such as bank financing through a bank in Lebanon). It is sufficient for this purpose for one of the elements of a crime of terrorism or attempted terrorism to be committed in Lebanese territory, or for a constitutive act of primary or secondary implication to occur there, or for its outcome to occur or be expected to occur there. It makes no difference whether the person providing funding is Lebanese or not (Penal Code, article 15).

The same provisions apply to Lebanese nationals who finance terrorist operations from abroad, even if the acts are committed outside Lebanese territory (Penal Code, article 20).

They also apply to all foreigners or stateless persons residing or present in Lebanon who finance terrorist activities abroad if extradition is not requested or not granted.

It should be noted that by Law No. 57/99 the Lebanese Government acceded to the Arab Convention for the Suppression of Terrorism. Under the Convention, the States parties undertake to suppress terrorist crimes in accordance with their domestic laws and internal measures and to prevent the financing of terrorist elements (article 3).

Question 1 (c): What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Law No. 318 of 20 April 2001, which relates to the suppression of money-laundering, establishes an independent special board of inquiry that has a judicial character and may have banking secrecy waived with respect to accounts held with banks and financial assets with financial institutions if those holding them commit offences punishable under the same Law (including terrorist activities) and the funds in question may thus be frozen or confiscated (Penal Code, article 98; and Law No. 318/2001, article 14). The board may ask the Office of the Special Public Prosecutor to prosecute those responsible for committing such acts in the criminal courts.

Question 1 (d): What measures exist to prohibit the activities listed in this subparagraph?

On 15 May 2001, the Bank of Lebanon issued its decision No. 7818, on a system to monitor financial and banking operations in order to combat money-laundering. It establishes binding rules with which banks and financial institutions operating in Lebanon are required to comply in order to prevent money-laundering activities arising out of the offences stipulated in the aforesaid Law No. 318/2001, including, of course, crimes of terrorism. A staff of auditors and investigators has been provided to the special board of inquiry as well as a special administrative unit, and advocacy and information campaigns are being conducted among the public.

Question 2 (a): What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Lebanese laws, specifically article 314 of the Penal Code, the Arms and Ammunition Law (No. 137/59) and Law No. 318/2001, stipulate that anyone suspected of a punishable offence in the terrorism field or of illegal possession of arms and ammunition must be investigated, arrested and prosecuted. Penalties are applied whenever persons involved in terrorist activities commit acts that constitute terrorist offences as understood by Lebanese law, and the security agencies are authorized to assist the Office of the Public Prosecutor in preventing terrorist activities and thwarting the elaboration of schemes against the security and safety of the international community and local society.

Question 2 (b): What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early-warning mechanisms exist to allow exchange of information with other States?

There is ongoing and direct coordination between the security services of the Ministry of the Interior and the security attachés accredited to Lebanon in the various embassies of other States. The exchange of information on terrorist activities was thus under way before 11 September 2001, and such cooperation still exists between Lebanese security agencies, especially the Interpol Division in the Office of the Director-General of the Internal Security Forces, and their counterparts in other States.

Question 2 (c): What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

The law promulgated on 10 July 1962 stipulates that entry to, residence in and departure from Lebanon will be regulated in such a way as to prevent entry unless a person is provided with the documents and visas required by law.

In accordance with the Code of Criminal Procedure, all security agencies are required to conduct the investigations necessary for the arrest of suspects against whom domestic or international arrest warrants or search and inquiry orders relating to terrorist or other offences have been issued.

Such persons are arrested in Lebanese territory or on attempting to enter or leave it by way of the posts maintained by General Security, and they are remanded to the relevant jurisdiction.

The provisions of the Criminal Code with respect to the punishment of the concealment of offenders against whom judicial orders or verdicts have been issued are applied to terrorist offenders, and the laws relating to aliens allow the Office of the Director of General Security to deport them from Lebanese territory.

The extradition of aliens charged with an offence regarded as a terrorist offence under Lebanese law may be requested in accordance with the terms for extradition laid down in the Penal Code and in keeping with the bilateral agreements, if any, on the extradition of offenders. Such persons may also be deported by administrative action of the Office of the Director of General Security.

If they have committed a terrorist crime in Lebanese territory they are tried by the Lebanese courts and must be expelled from the country after serving or discharging the penalty imposed.

In general, Lebanon does not provide a safe haven for those who finance, direct, support or commit acts of terrorism, especially those stipulated in Security Council resolution 1333 (2000), and it does not permit them to enter its territory.

Question 2 (d): What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

Lebanese laws require the investigation and arrest of any fugitive charged with or convicted of an offence punishable under Lebanese legislation or under the provisions of the international conventions to which the Lebanese State has acceded and which have come to have the force of law. The Lebanese State is committed to applying the provisions of the protocols and conventions in the domain of the suppression of terrorism to which it has acceded to date. The Arab Convention for the Suppression of Terrorism, to which Lebanon has acceded and which has been considered as the law since its entry into force, stipulates explicitly in its article 3 (i) that all the States parties undertake to prevent the use of their territory for the planning, organization or commission of terrorist offences and to prohibit terrorist elements from residing in their territory.

Question 2 (e): What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Lebanese legislative enactments impose penalties for terrorism that can include the death penalty. The law promulgated on 11 January 1958 imposes for every terrorist act a penalty of hard labour for life, and the penalty becomes death if the terrorist act causes the death of a person, or the partial or total destruction of a building in which a person is present, or the destruction, even the partial destruction, of a public building, industrial establishment, ship or other installation, or the disruption of information, communications or transport.

Examples of the suppression of terrorist acts include Lebanon's past experience of a bloody clash with members of the Ansar group in northern Lebanon

in early 2000 in which most of the members of the organization were arrested. They are currently being tried before the Judicial Council.

Many States have asked to be kept informed of the course of the investigations and proceedings, including the United States of America at the time, and their officials have been notified of the details.

Question 2 (f): What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Under the supervision of the relevant jurisdiction, namely the Special Public Prosecutor, the services of the Judicial Police have mobilized all of their resources in order to give the requesting State all the information or data available to them on persons suspected of committing terrorist acts. They undertake the investigations necessary to obtain the information required in all fields (concerning travel documents, means of communication, movements, criminal records, etc.). It should be said that after the events of 11 September 2001 the central criminal research services and the international (Interpol) liaison division provided all those who submitted requests in many countries with the information requested in accordance with the letters addressed to them by Interpol divisions in those countries or by their diplomatic missions.

The Bank of Lebanon has also cooperated with the authorities in various foreign countries for the suppression of money-laundering, including the laundering of proceeds of terrorist crimes.

Question 2 (g): How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?

The response to this question is similar to that given under 2 (c) above. The border control authorities, especially General Security, have to date dealt with many cases of forgery of other countries' passports. There are many examples of how action is taken in this matter. General Security arrests the bearer of a false passport and hands him over to the courts, and contact is made with the embassy of the country whose passport has been forged in order to inform it of the documents found and of the investigations under way in their regard.

Question 3 (a): What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

The terms of this subparagraph have been implemented in accordance with the provisions of the Lebanese laws mentioned above with the direct coordination of security officials in Lebanon and the security attachés at the embassies accredited to the country and through the Interpol Division in the Office of the Director-General of the Internal Security Forces.

Question 3 (b): What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

In accordance with international law, the exchange of information takes place through Interpol in accordance with the principles set forth in the ICPO-Interpol Constitution. Cooperation in judicial matters takes place in accordance with the provisions of national law and pursuant to the principle of reciprocity and international cooperation in meeting requests for judicial assistance and the extradition of offenders in the event there is no bilateral agreement. Where there is a bilateral agreement, then extradition takes place in accordance with the provisions of that agreement.

Question 3 (c): What steps have been taken to cooperate in the areas indicated in this subparagraph?

In implementation of the Arab Convention for the Suppression of Terrorism, there is ongoing cooperation between the States parties and through the secretariat of the Council of Arab Ministers of the Interior in the exchange of information, in the investigation and arrest of suspects or convicts, in the extradition of offenders, and in meeting requests for judicial assistance and cooperation with respect to all the terrorist offences addressed in the Convention.

The case is the same with regard to the 10 international conventions on terrorism to which Lebanon has acceded, the country being anxious to implement all the provisions of these conventions in the field of cooperation in combating terrorist acts.

Question 3 (d): What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this paragraph?

Lebanon has signed and has acceded to 10 of the 12 conventions for the suppression of terrorism adopted by the United Nations and its specialized agencies. It is now in the process of acceding to the two conventions that it did not sign at the time, namely the International Convention for the Suppression of Terrorist Bombings of 15 December 1997 and the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999.

It should be said that the international protocols and conventions to which Lebanon has acceded have come to have the force of law in the country and take precedence over the provisions of national law.

By Law No. 57 of 31 March 1999 the National Assembly authorized the Government to ratify the Arab Convention on the Suppression of Terrorism, and the provisions of this convention have come to take precedence over the application of the provisions of national law.

Question 3 (e): Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

Lebanon is committed to implementing the conventions and protocols to which it has acceded or to which it is in the process of acceding in the knowledge that international cooperation can assist in the proper implementation of these conventions.

Question 3 (f): What legislation, procedures and mechanisms are in place for ensuring asylum-seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

As stipulated in the Law promulgated on 10 July 1962, Lebanese laws on political asylum prohibit refugees admitted to Lebanon from engaging in any political activity whatever. Thus terrorist activities of whatever kind will cause them to forfeit their refugee status and make them subject to legal prosecution like any other resident of Lebanese territory.

The right of asylum is granted only by decision of a committee whose members represent the ministries of the interior, justice and foreign affairs, and its decision is taken by a vote to grant or deny asylum.

Question 3 (g): What procedures are in place to prevent the abuse of refugee status by terrorists? [Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.]

The response is similar to that given under 3 (f) above. The law mentioned there permits the extradition of a refugee in accordance with the provisions of articles 30 to 36 of the Penal Code, relating to extradition. In this case, the State that wishes to extradite a refugee must compile a judicial extradition dossier covering the legal aspects of the issue and submit it to the Lebanese judicial authorities, which are authorized to decide on the request.

The Permanent Mission of Lebanon to the United Nations takes this opportunity to convey to the Counter-Terrorism Committee the assurances of its highest consideration.